

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER DOMINGUEZ,

Plaintiff(s),

v.

CASE NO. 1:24-cv-00371-JLT-EPG

CLASS ACTION SCHEDULING  
CONFERENCE ORDER

LEPRINO FOODS COMPANY,

Defendant(s).

1        This Court conducted a scheduling conference on **July 2, 2024**. Counsel **Kristen Agnew**  
2        appeared telephonically on behalf of the Plaintiff(s). Counsel **Lisa Pooley** appeared  
3        telephonically on behalf of the Defendant(s). Pursuant to Fed. R. Civ. P. 16(b), this Court sets a  
4        schedule for this action.

5        The Court opens discovery on the merits as to the named Plaintiff and on class certification.  
6        Additionally, the parties may take further discovery if they agree. Further scheduling expanding  
7        the scope of discovery will, if necessary, be issued following class certification.

8        **I. CONSENT TO MAGISTRATE JUDGE**

9        The parties are reminded of the availability of United States Magistrate Judge Erica P.  
10      Grosjean to conduct all proceedings in this action. A United States Magistrate Judge is available  
11      to conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule  
12      of Civil Procedure 73, and Local Rule 305. The same jury pool is used by both United States  
13      Magistrate Judges and United States District Court Judges. Any appeal from a judgment entered  
14      by a United States Magistrate Judge is taken directly to the United States Court of Appeal for the  
15      Ninth Circuit. However, the parties are hereby informed that no substantive rulings or decisions  
16      will be affected by whether a party chooses to consent.

17        **II. CLASS CERTIFICATION MOTIONS**

18        The following deadlines are set with regard to the filing of class certification motions:

19        Motion for Class Certification: **May 30, 2025**

20        Opposition: **August 15, 2025**

21        Reply: **September 12, 2025**

22        The hearing on any motion for class certification, to be heard by Magistrate Judge Erica P.  
23      Grosjean in Courtroom 10, has been set for a **one hour** hearing on **September 26, 2025 at 10:00**  
24      **AM.**

25        The Court will set additional deadlines regarding class merits discovery and trial dates, if  
26        necessary, after a ruling on any motion for class certification.

27        **III. STATUS CONFERENCE**

28        A Status Conference will be held on **January 15, 2025, at 10:30 AM** in Courtroom 10  
before Magistrate Judge Erica P. Grosjean. At least (7) days prior to the conference, the parties  
are directed to file a joint report, of up to five (5) pages, outlining the status of the case, any  
additional discovery still planned, potential for settlement, and any other issues pending that  
would benefit from the Court's assistance/direction. If the parties are appearing telephonically,

1 each party shall dial **1 (888) 251-2909 and enter access code 1024453**. Alternatively, the parties  
2 and counsel may appear in person. If one or more parties wish to appear in person, they shall  
3 email Felicia Navarro, Courtroom Deputy, at [fnavarro@caed.uscourts.gov](mailto:fnavarro@caed.uscourts.gov) **at least 24 hours**  
4 **before the proceeding** so that a notation can be placed on the Court's calendar.

5 **IV. PRETRIAL MOTION SCHEDULE**

6 **A. *General Information Regarding Filing Motions***

7 The parties are advised that unless prior leave of the Court is obtained before the filing  
8 deadline,<sup>1</sup> *all* moving and opposition briefs or legal memoranda, including joint statements of  
9 discovery disputes, filed in civil cases before Magistrate Judge Grosjean, shall not exceed twenty-  
10 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page  
11 limits do not include exhibits. Courtesy copies for any filing in excess of twenty-five pages (25)  
12 (including exhibits) shall also be delivered to chambers via US mail, or hand delivery, at the time  
13 the filing is electronically filed. The party submitting the courtesy copy shall ensure that the  
docket identification number is listed on the copy. When scheduling motions (other than  
discovery motions) the parties shall comply with Local Rule 230.

14 Counsel or *pro se* parties may appear and argue motions by telephone, provided a request  
15 to so do is made to Courtroom Deputy Felicia Navarro (unless prior permission has been given by  
the judge), no later than five (5) court days before the noticed hearing date. Requests can be  
16 made by emailing Courtroom Deputy Felicia Navarro at [fnavarro@caed.uscourts.gov](mailto:fnavarro@caed.uscourts.gov). If the  
17 parties are appearing telephonically, each party shall **dial 1 (888) 251-2909 and enter access code**  
**1024453**.

18 **1. *Informal Discovery Conference***

19 In order to file a motion involving a discovery dispute, *see* Fed. R. Civ. P. 26 through 37  
20 and 45,<sup>2</sup> a party must receive permission from the Court following an informal telephonic  
21 discovery dispute conference. However, non-parties challenging a subpoena under Fed. R. Civ.  
22 P. 45 are not required to request an informal conference before filing a motion. A party wishing  
23 to schedule such a conference should contact chambers to receive available dates. The Court will  
24 schedule the conference as soon as possible, taking into consideration the urgency of the issue.

25 Prior to the conference, the parties shall simultaneously file an Informal Discovery

26  
27 <sup>1</sup> Parties may seek leave through a telephonic conference among all parties and the Court, or by short motion.

28 <sup>2</sup> The Court construes "discovery dispute" broadly, which includes, but is not limited to, disputes regarding written discovery, oral depositions, physical and mental examinations, and protective orders.

1       Dispute Letter Brief, outlining their positions regarding the dispute. Such briefs shall be no  
2 longer than three pages single-spaced, and may include up to five pages of exhibits. The Court  
3 will provide the date and time the Letter Briefs are due at the time the conference is scheduled.

4       At the time of conference, the parties shall dial 1 (888) 251-2909 and enter access code  
5 **1024453**. The Court will not issue a formal ruling at that time. Nevertheless, the Court will  
6 attempt to provide guidance to the parties to narrow or dispose of the dispute. If no resolution can  
7 be reached without formal motion practice, the Court will authorize the filing of a formal  
discovery motion.

8       **2. *Discovery Motions***

9       If a discovery motion, *see* Fed. R. Civ. P. 26 through 37 and 45, is brought after receiving  
10 permission from the Court, the parties must prepare and file a Joint Statement re: Discovery  
11 Disagreement (“Joint Statement”) as required by Local Rule 251.<sup>3</sup> In scheduling such motions,  
12 Magistrate Judge Grosjean may grant applications for an order shortening time pursuant to Local  
13 Rule 144(e). If a party does not obtain an order shortening time, the notice of motion must  
comply with Local Rule 251.

14       A Joint Statement not to exceed twenty-five (25) pages must be filed at least fourteen (14)  
15 days before the scheduled hearing date. Prior to the filing of the Joint Statement, the parties must  
16 meet and confer as set forth in Local Rule 251(b). Motions may be removed from the Court’s  
17 calendar if the Joint Statement is not timely filed, or if courtesy copies are not timely delivered.

18       **V. COMPLIANCE WITH FEDERAL PROCEDURES**

19       All counsel are expected to familiarize themselves with the Federal Rules of Civil  
20 Procedure and the Local Rules of the Eastern District of California and to keep abreast of any  
21 amendments thereto. The Court requires strict compliance with these rules. Sanctions will be  
22 imposed for failure to follow the rules as provided in both the Federal Rules of Civil Procedure  
and the Local Rules of the Eastern District of California.

23       **VI. EFFECT OF THIS ORDER**

24       This order represents the Court and the parties’ best estimated schedule to complete this  
25 case. Any party unable to comply with the dates outlined in this order shall immediately file an  
appropriate motion or stipulation identifying the requested modification(s).

26       ***The dates set in this Order are considered to be firm and will not be modified absent a***

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28       <sup>3</sup> Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

1 ***showing of good cause, even if a stipulation to modify is filed.*** Stipulations extending the  
2 deadlines contained herein will not be considered unless they are accompanied by affidavits or  
3 declarations with attached exhibits, where appropriate, that establish good cause for granting the  
4 requested relief. Due to the impacted nature of the civil case docket, this Court disfavors requests  
5 to modify established dates.

6 Failure to comply with this order shall result in the imposition of sanctions.

7 IT IS SO ORDERED.  
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9 Dated: July 2, 2024

10 /s/ *Eric P. Groj*  
11 UNITED STATES MAGISTRATE JUDGE  
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